

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

WHOLE WOMAN’S HEALTH, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
v.)	
)	CASE NO. 21-cv-00616-RP
AUSTIN REEVE JACKSON, <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFFS’ OPPOSITION TO DEFENDANT PENNY CLARKSTON’S MOTION
FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING**

Plaintiffs respectfully submit this Opposition to Defendant Penny Clarkston’s Motion for Extension of Time to File Responsive Pleading (ECF No. 42) and show the following:

For the reasons discussed in Plaintiffs’ Opposition to Defendants’ Motion to Stay Summary Judgment and Class Certification Proceedings (ECF No. 41), final judgment from this Court in favor of Plaintiffs is urgently needed before September 1, 2021, the effective date of Texas Senate Bill 8, 87th Leg., Reg. Sess. (Tex. 2021) (“S.B. 8”). Plaintiffs face having to either (1) immediately stop providing abortion services forbidden by S.B. 8, turn away and stop supporting abortion patients, and in some cases furlough or lay off staff, or (2) expose themselves to abusive and costly lawsuits over the provision of constitutionally protected health care. Plaintiffs respectfully oppose Defendant Clarkston’s motion because granting her requested extension would impede effective relief before September 1 and make it more likely that Plaintiffs and their patients will be irreparably and severely harmed.

Contrary to Defendant Clarkston’s suggestion, *see* Mot. ¶ 8, Plaintiffs worked diligently and expeditiously to file this lawsuit as quickly as possible. Given the nature of S.B. 8 and its broad scope, the case involves 21 plaintiffs and 6 separate sets of attorneys, all of whom have

endeavored to act as quickly as possible to ascertain S.B. 8's impact, protect their unique interests, and coordinate with the other parties. Because of the certainty of irreparable harm that will occur if S.B. 8 takes effect, it is eminently reasonable to expect Defendant Clarkston to have acted expeditiously to retain counsel and to respond to Plaintiffs' allegations within the 21-day deadline, which applies even in cases that do not threaten the type of injury already demonstrated by Plaintiffs in this case.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that Defendant Clarkston's Motion for Extension of Time to File Responsive Pleading be denied.

Dated: August 3, 2021

Respectfully submitted,

/s/ Marc Hearron

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* *Admitted pro hac vice*

CERTIFICATE OF SERVICE

I certify that today, August 3, 2021, I electronically filed a copy of the above document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record for Defendants.

/s/ Marc Hearron
Marc Hearron